

MEMORANDUM

Agenda Item No. 7(A)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: (Second Reading 10-02-07)
July 24, 2007

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance relating to Miami-
Dade County Traffic Code;
prohibit stopping, standing or
parking a vehicle where there
is disabled access

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Katy Sorenson, Commissioner Sally A. Heyman and Commissioner Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum



Date: October 2, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burges
County Manager

Subject: Ordinance relating to Miami-Dade County Traffic Code; amending sections 30-292 and 30-388.32 of the Code of Miami-Dade County to prohibit stopping, standing or parking a vehicle in a place where there is handicapped access and increasing the fine

The Ordinance amending sections 30-292 and 30-388.32 of the Code of Miami-Dade County to prohibit stopping, standing or parking a vehicle in a place where there is handicapped access and increasing the fine, may have a positive fiscal impact to the Miami-Dade County.

The Miami Dade Police Department (MDPD) will incorporate the new requirements of the code into their standard enforcement practices thus not resulting in additional costs. Additionally, the possible increase in revenues attributed to the increase in the fee cannot be determined at this time.

A handwritten signature in cursive script, likely belonging to the Assistant County Manager.

Assistant County Manager

fiscal02207



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: October 2, 2007

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(A)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(A)

10-02-07

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY TRAFFIC CODE; AMENDING SECTIONS 30-292 AND 30-388.32 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROHIBIT STOPPING, STANDING OR PARKING A VEHICLE IN A PLACE WHERE THERE IS HANDICAPPED ACCESS; INCREASING FINE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 30-292 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 30-292. Stopping, standing or parking prohibited in specified places.

(1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

(a) Stop, stand or park a vehicle:

1. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
2. On a sidewalk;
3. Within an intersection;
4. On a crosswalk;

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

5. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the Division of Road Operations of the Department of Transportation indicates a different length by signs or markings;
6. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
7. Upon any bridge or other elevated structure upon a highway, causeway or within a highway tunnel, where parking is not provided for thereon;
8. On any railroad tracks;
9. On a bicycle path;
10. At any place where official traffic control devices prohibit stopping;
11. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

>>12. At any place where disabled access is provided, including but not limited to: an access aisle adjacent to an accessible parking space, curb ramp, ramp, or accessible path of travel such as sidewalks and bicycle paths. Any violation of this section shall result in a fine of \$150.<<

(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

1. In front of a public or private driveway;
2. Within fifteen (15) feet of a fire hydrant;
3. Within twenty (20) feet of a crosswalk at an intersection;
4. Within thirty (30) feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway;
5. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire

station within seventy-five (75) feet of said entrance (when property sign-posted);

6. On an exclusive bicycle lane;

7. At any place where official traffic control devices prohibit standing.

(c) Park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers:

1. Within fifty (50) feet of the nearest rail of a railroad crossing, or bridge;

2. At any place where official signs prohibit parking.

(2) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

Section 2. Section 3-388.32 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

Sec. 30-388.32. Penalty for violation of article.

(a) Violations of this article shall be punishable by the fine indicated below:

Schedule of Parking Fines and Costs

TABLE INSET:

<i>Section No.</i>	<i>Initial Fine</i>	<i>Fine After 30 Days</i>	<i>Costs After 30 Days</i>	<i>Offense Charged</i>
30-367	\$33.00	\$43.00	\$14.00	Parking without valid license plate
30-378	18.00	31.00	14.00	Parking after violation shows on meter
30-378	18.00	31.00	14.00	Parking continuously in excess of maximum time permitted on meter

30-378	18.00	31.00	14.00	<i>Parking for a period longer than designated on meter giving rise to violation thereof</i>
30-378	18.00	31.00	14.00	<i>Parking improperly by not parking wholly within meter parking space</i>
30-379	23.00	28.00	14.00	<i>Parking improperly by not having front of vehicle next to meter or by making meter not visible from street</i>
30-388.3	28.00	33.00	14.00	<i>Prohibited at all times in certain places</i>
30-388.4	28.00	33.00	14.00	<i>Prohibited at all times on certain streets</i>
30-388.5	28.00	33.00	14.00	<i>Prohibited during certain hours on certain streets</i>
30-388.6	23.00	28.00	14.00	<i>Parking longer than time designated on signs on certain streets</i>
30-388.7	23.00	28.00	14.00	<i>Parking in other than parallel position on two-way roadway</i>
30-388.7	23.00	28.00	14.00	<i>Parking vehicle more than 12 inches from curb or edge of roadway</i>
30-388.7	23.00	28.00	14.00	<i>Parking vehicle in direction opposite to authorized traffic movement</i>
30-388.8	23.00	28.00	14.00	<i>Moving other person's parked vehicle without authority</i>
30-388.9	28.00	33.00	14.00	<i>Leaving vehicle, except delivery vehicle, for 5 minutes unattended without stopping engine</i>

				<i>and removing ignition key</i>
30-388.9	28.00	33.00	14.00	<i>Leaving unattended vehicle improperly on grade</i>
30-388.10	28.00	33.00	14.00	<i>Parking so as to obstruct traffic on street</i>
30-388.11	28.00	33.00	14.00	<i>Hazardous parking on street or highway outside municipality</i>
30-388.12	33.00	43.00	14.00	<i>Willfully obstructing street by impeding traffic or endangering movement of vehicles or pedestrians</i>
30-388.13	28.00	33.00	14.00	<i>Unlawful parking or obstructing traffic in alley</i>
30-388.14	28.00	33.00	14.00	<i>Parking more than half-hour during night hours prohibited by sign</i>
30-388.16	28.00	33.00	14.00	<i>Parking adjacent to school when prohibited by sign</i>
30-388.17	28.00	33.00	14.00	<i>Parking on narrow street when prohibited by sign</i>
30-388.18	28.00	33.00	14.00	<i>Parking on lefthand side of one-way street when prohibited by sign</i>
30-388.19	28.00	33.00	14.00	<i>Parking on lefthand side of one-way roadway of street with 2 or more roadways</i>
30-388.20	28.00	33.00	14.00	<i>Parking near hazardous or congested places</i>
30-	23.00	28.00	14.00	<i>Parking in passenger</i>

388.23				<i>curb loading zone</i>
30-388.23	23.00	28.00	14.00	<i>Using passenger curb loading zone for more than 5 minutes to load or unload passengers</i>
30-388.24	23.00	28.00	14.00	<i>Parking in freight curb loading zone</i>
30-388.24	23.00	28.00	14.00	<i>Using freight curb loading zone for more than 30 minutes</i>
30-388.25	23.00	28.00	14.00	<i>Parking in restricted parking zone</i>
30-388.26	23.00	28.00	14.00	<i>Bus or taxicab parked in business district other than at bus stop or taxicab stand, respectively</i>
30-388.27	23.00	28.00	14.00	<i>Parking in bus stop or taxicab stand</i>
30-388.29	23.00	28.00	14.00	<i>Improper angle parking</i>
30-388.30	23.00	28.00	14.00	<i>Loading or unloading at angle to curb without required permit</i>
30-388.31	23.00	28.00	14.00	<i>Parking truck of 1 ton or more in residential area for more than 1 hour</i>

(b) Reduced fine schedule for persons pleading guilty by mail: Upon a finding that it will further the interests of justice and promote judicial economy, the Chief Judge may, by administrative order, reduce the fines prescribed in subsection (a) of this section.

(c) Except as set forth in subsection (a), above, ~~[[and]]~~ Section 30-447, >>and Section 30-292<<, all violations of ordinances and statutes regulating, prohibiting or otherwise controlling the parking

of motor vehicles shall be punished by a fine not to exceed thirty dollars (\$30.00), plus the surcharge provided in subsection (g) and, after thirty (30) days, the imposition of late penalties in the amount of twenty-three dollars (\$23.00) to be distributed in accordance with this chapter, unless otherwise provided by ordinance, statute, or administrative order of the Chief Judge.

(d) In addition to the fines and costs referred to in subsection (a), upon a finding of guilty after trial, the Court shall assess court costs against the guilty party.

(e) The Chief Judge may, by administrative, order, designate and specially set aside five dollars (\$5.00) for each assessment of costs referred to in subsection (a) for the establishment of a Parking System Trust Fund and a Court Facility Trust Fund. Three dollars (\$3.00) shall be placed in the Parking System Trust Fund and the remaining two dollars (\$2.00) shall be placed in the Court Facility Trust Fund. The Chief Judge and the Clerk of the Court may authorize expenditure to these funds for maintenance and enhancement of the Parking Violations Bureau and court facilities.

(f) The Clerk of the Courts may designate and specially set aside four dollars (\$4.00) for each assessment of costs referred to in subsection (a) for the establishment of the Clerk's Service Enhancement Trust Fund which shall be used for the maintenance and enhancement of the functions of the Clerk.

(g) A surcharge of four dollars (\$4.00) is imposed on parking fines and monies collected shall be placed in the School Crossing Guard Trust Fund as authorized by Section 316.660(4)(c), Florida Statutes.

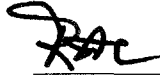
Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



William X. Candela

Sponsored by Commissioner Katy Sorenson,
Commissioner Sally A. Heyman and
Commissioner Rebeca Sosa